

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 3, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-17156 - APPLICANT/OWNER: GLENN J. SORRELLS

THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 20, 2006 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WEEKLY.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is an appeal filed by the applicant from the denial by the Planning Commission of a Variance request to allow for the construction of a 8 foot high combination masonry wall with the top 3 feet providing visibility, and ornamental fencing along a portion of the southern property line where 5 feet with the top 3 feet providing visibility is the permitted maximum height pursuant to Title 19 Wall Standards. The project is proposed within the front yard of a 0.15 acre single family residential site located at 1109 Shifting Sands Drive.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/05/87	The City Council approved a Plot Plan Review of an addition to a child care center on the property located at 6565 West Smoke Ranch Road, N-U Zone (under Resolution of Intent to C-1). Staff and the Planning Commission recommended approval.
11/16/06	The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #32/ja).
<i>Pre-Application Meeting</i>	
09/16/2006	A Pre-application meeting was held with the applicant. Development Services – Current Planning staff informed the applicant that front yard walls/fences heights shall be 5 feet with the top 3 vertical feet open to permit visibility. In addition, the applicant was informed perimeter walls may be a maximum of eight feet high.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of development request nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.15 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residential	Low Density Residential	R-1 (Single Family Residential)
North	Single Family Residential	Low Density Residential	R-1 (Single Family Residential)
South	Single Family Residential	Low Density Residential	R-1 (Single Family Residential)
East	Single Family Residential	Medium Density Residential	R-3 (Medium density Residential)
West	Single Family Residential	Low Density Residential	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	Y		Y
Trails		N	Y
Rural Preservation Overlay District		N	Y
Development Impact Notification Assessment		N	Y
Project of Regional Significance		N	Y

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 square feet	NA	Y
Min. Lot Width	65 feet	NA	Y
Min. Setbacks		NA	Y
• Front	20		
• Side	5		
• Corner	15		
• Rear	15		
Max. Lot Coverage	50%	NA	Y
Max. Building Height	2 stories or 35 feet, whichever is less	NA	Y

Title 19.12.040

<i>Landscaping and Open Space Standards</i>			
<i>Standards</i>	<i>Maximum Height</i>	<i>Provided</i>	<i>Compliance</i>
Wall Height	5 feet	8 feet	N

ANALYSIS

The project proposes to construct a masonry block wall in the front yard and an ornamental iron fence along the side yard (southern property line shared with an existing single family residence). The wall will be as high as 8 feet within the front setback area, where 5-feet with the top three vertical feet open to permit visibility, is the maximum permitted height. The ornamental iron fence proposed along the side yard is proposed at 8 feet high which is the maximum permitted height consistent with Title 19 Residential Development Standards. The proposed wall would be constructed of 4 foot high masonry along the front with the top 3 feet a viewable fence.

The subject property does not possess any topographical constraints that precludes the applicant from meeting Title 19 wall height standards. As such, staff recommends denial of the requested variance.

Furthermore, City Council Bill 2006—43, Section 19.12.075 Wall Standards states that no screening wall shall be built in the front yard of a residential property.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship with the proposed wall exceeding wall/fence height requirements as stipulated in Title 19.12.075. A reduction in the wall height will provide a design alternative that would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There were two speakers in opposition at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 362 by City Clerk

APPROVALS 0

PROTESTS 0